

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO  
CRIMINAL DIVISION

STATE OF OHIO

No. B-9706964

Plaintiff

Judge NIETZMAN

vs.

Reginald Allen

FELONY SENTENCING FINDINGS

Defendant

FACTORS RELEVANT TO SENTENCING (Check appropriate blanks and specify count numbers).

Having considered the overriding purpose of sentencing, punishment of offenders and protection of public from future crime, and having considered incapacitation, deterrence, rehabilitation and restitution to achieve those purposes in accordance with R.C. §2929.11, the Court makes the following sentencing findings:

COUNT # APPLICABLE

(1) BALANCE "MORE SERIOUS" 2929.12(B)

_____	_____	(A)--Victim's age or physical mental condition exacerbated injury
_____	_____	(B)--Victim suffered serious physical/emotion/psychological harm
_____	_____	(C)--Offender's public office or position of trust played part
_____	_____	(D)--Offender's law enforcement occupation/elected office
<u>1,2</u>	<input checked="" type="checkbox"/>	(F)--Offender's elected office or profession facilitated act
_____	_____	(G)--Offender's relationship to victim facilitated act
_____	_____	(H)--Act was for hire or organized crime
_____	_____	(I)--Motivated by race/ethnic gender/sex/religious prejudice

(2) WITH "LESS SERIOUS" FACTORS 2929.12(C)

_____	_____	(A)--Victim induced or facilitated offense
<u>NA</u>	<input checked="" type="checkbox"/>	(B)--Offender strongly provoked
_____	_____	(C)--Didn't cause/ expect to cause physical harm person/property
_____	_____	(D)--Substantial mitigating grounds

(3) BALANCE RECIDIVISM LIKELY 2929.12(D)

<u>1,2</u>	<input checked="" type="checkbox"/>	(A)--Offender under a type of court control
<u>1,2</u>	<input checked="" type="checkbox"/>	(B)--Prior delinquency or convictions
<u>1,2</u>	<input checked="" type="checkbox"/>	(C)--Unsuccessful probation/parole
_____	_____	(D)--Unacknowledged substance abuse pattern
_____	_____	(E)--No remorse
_____	_____	(F)--Other relevant factor: _____

(4) WITH RECIDIVISM NOT LIKELY 2929.12(E)

_____	_____	(A)--Offender not previously delinquent
<u>NA</u>	<input checked="" type="checkbox"/>	(B)--No previous convictions
_____	_____	(C)--Law abiding for a number of years
_____	_____	(D)--Circumstances unlikely to recur
_____	_____	(E)--Genuine remorse
_____	_____	(F)--Other relevant factor: _____

COMMENTS: \_\_\_\_\_  
PRIOR OFFENSES: \_\_\_\_\_

EXHIBIT

## (5) IMPOSE PRISON ON F-1, F-2 UNLESS ALL APPLY 2929.13(D).

- (A)--Non-prison does not demean seriousness of offense;  
 (B)--Non-prison will adequately punish offender and protect public;  
 (C)--Decreasing seriousness factors outweigh increasing seriousness;  
 (D)--There is less likelihood of recidivism.

## (6) BEFORE PRISON FOR F-4, F-5 FIND AT LEAST ONE 2929.13(B):

- (A)--Physical harm to a person  
 (B)--Attempt or threat with a weapon  
 (C)--Attempt or threat of harm and previous conviction for physical harm  
 (D)--Public trust, office or position  
 (E)--Act was for hire, or organized crime  
 (F)--Sex offense  
 (G)--Previous prison term served  
 (H)--Offender under community control at time of offense

AND

- (I)--Offender is not amenable to community control

AND

- (J)--Prison is consistent with sentencing purposes

## (7) PRISON TERM MORE THAN MINIMUM for a first time prison term when shortest term alone would: 2929.14(B)

- Demean the seriousness of the offense

AND

- Not adequately protect public

(8) BEFORE IMPOSING MAXIMUM TERM, FIND THAT OFFENDER:  
(AT LEAST ONE) 2929.14(C)

- (A)--Has committed the worst form of the offense  
 (B)--Poses the greatest likelihood of recidivism  
 (C)--Is a Repeat Violent Offender

OR

- (D)--Is a Major Drug Offender

(9) BEFORE IMPOSING EXTRA 10 YEARS BEYOND MAXIMUM  
BASIC PRISON TERM: 2929.14(D)

- (A)--Make finding of RVO or MDO

AND

- (B)--Simple basic maximum term is insufficient to punish offender and protect the public because at least one seriousness factor outweighs likelihood that offender will refrain from future crime

AND

- (C)--A simple maximum would demean the seriousness of the offense because  
 (D)--Offender's conduct is more serious than conduct normally constituting the offense

## (10) FOR CONSECUTIVE TERMS: FIND AT LEAST ONE 2929.14(E)(3)

- (A)--Offender was under community control when offense was committed  
 (B)--Harm caused was great or unusual  
 (C)--Offender's criminal history requires consecutive sentence

AND

- (D)--Consecutives are necessary to fulfill purpose of R C 2929.11

MANDATORY PRISON 2929.13(F)

FOUR RELEASE CONTROL 2929.13(F)

(13) SENTENCE WAS AGREED UPON BY DEFENDANT AND STATE

## (14) PRISON SANCTION:

## (A) FIREARM SPECIFICATION:

TERM \_\_\_\_\_ years  
(1, 3, 5, 6 yrs mandatory and consecutive)

## (B) MANDATORY DRUG FINES

AMOUNT \$ \_\_\_\_\_  
(1, 2 the max for each degree)

## (C) FINES: \$ \_\_\_\_\_

(D) DRIVER'S LICENSE SUSPENSION  
TERM \_\_\_\_\_

## (E) COURT COSTS \_\_\_\_\_

## (F) CREDIT FOR TIME SERVED

AMOUNT 98 DAYS

Upon consideration of all the foregoing factors, IT IS THEREFORE ORDERED AND ADJUDGED by the Court that the defendant shall be sentenced as follows:

On Count 1, for the offense of Aggravated Burglary, a violation of R.C. § 2911.14, a felony of the 1st degree, IT IS HEREBY ORDERED that defendant serve a term of 10 years in prison, of which 0 is a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or Chapter 2925 in addition to any sanctions imposed under item 14 herein. Concurrent

On Count 2, for the offense of Attempted Aggravated Murder, a violation of R.C. § 2923.02(A), a felony of the 1st degree, IT IS HEREBY ORDERED that defendant serve a term of 10 years in prison, of which 0 is a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or Chapter 2925 in addition to any sanctions imposed under item 14 herein. Concurrent

All other offenses are alleged defendant sentenced to 10 yrs  
On Count \_\_\_\_\_, for the offense of \_\_\_\_\_, a violation of R.C. § \_\_\_\_\_, a felony of the \_\_\_\_\_ degree, IT IS HEREBY ORDERED that defendant serve a term of \_\_\_\_\_ years in prison, of which \_\_\_\_\_ is a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or Chapter 2925 in addition to any sanctions imposed under item 14 herein.

On Count \_\_\_\_\_, for the offense of \_\_\_\_\_, a violation of R.C. § \_\_\_\_\_, a felony of the \_\_\_\_\_ degree, IT IS HEREBY ORDERED that defendant serve a term of \_\_\_\_\_ years in prison, of which \_\_\_\_\_ is a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or Chapter 2925 in addition to any sanctions imposed under item 14 herein.

(For additional counts see attached worksheet)

## (15) COMMUNITY CONTROL SANCTION:

(A) FINES: \$ \_\_\_\_\_  
(B) MANDATORY DRUG FINES  
AMOUNT \$ \_\_\_\_\_

## (C) RESTITUTION: \$ \_\_\_\_\_

(D) DRIVER'S LICENSE SUSPENSION  
TERM \_\_\_\_\_

## (E) COURT COSTS \_\_\_\_\_

IT IS HEREBY ORDERED AND ADJUDGED that on count(s) \_\_\_\_\_, for the offense(s) of \_\_\_\_\_, violation(s) of R.C. § \_\_\_\_\_, felony(s) of the \_\_\_\_\_ degree, in addition to any sanctions imposed under item 15 herein, the defendant shall serve \_\_\_\_\_ [LENGTH OF SENTENCE] of community control, specifically:

\_\_\_\_\_ Community service of \_\_\_\_\_ hours  
\_\_\_\_\_ Monitored time of \_\_\_\_\_ (term)  
\_\_\_\_\_ Electronic monitoring for \_\_\_\_\_ (term)  
\_\_\_\_\_ Work release for \_\_\_\_\_ (term)  
\_\_\_\_\_ Correctional treatment facility for \_\_\_\_\_ (term)  
\_\_\_\_\_ Correction center for \_\_\_\_\_ (term)  
\_\_\_\_\_ Hamilton County Justice Center for \_\_\_\_\_ (term)  
\_\_\_\_\_ Other \_\_\_\_\_ (term)

(State terms of the residential, non-residential or financial sanction)

The defendant was notified of his/her right  
to appeal as required by Crim. R. 32(A)(2).

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Judge

The defendant shall be transported by the Hamilton County Sheriff Deputies to the Ohio Department of Rehabilitation for imposition of sentence.